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Appendix IX.

[Vide answer to question No. 266-A asked by Mr. C. Basu Dev at the meeting of the Legislative Council held on the 30th October 1931, page 55 supra.]

Letter from the President, Hindu Religious Endowments Board, Madras, No. 18599-A/31-1, dated the 20th July 1931.

With reference to Government Memorandum No. 23843-1-L.& M.-A-2, dated 30th June 1931, I have the honour to append a memorandum showing the nature of the management hitherto prevailing in the Tirupati Devasthanam and giving the Board's views in respect of the chief reforms proposed in the Bill to be introduced with a view to place the administration of the temple on a proper footing. I may add that the Board accepts not only the general principles of the Bill, but also the various provisions thereof subject, however, to the following few minor alterations:—

(1) The strength of the Advisory Committee may be increased by one, and the additional member may be a Hindu citizen of Tirupati town;

(2) The term of office of members of the Committee may be fixed at five years instead of three;

(3) The subjects for the study of which a University may be established need not now be mentioned in the Bill, such details being left to be decided by the Local Government by rules or otherwise in consultation with the Board;

(4) In the collection of arrear contributions due to the Board from the Tirupati Devasthanam exemption from attachment and sale may be made in respect of those articles, which have been so excluded under the Bill to amend Madras Act II of 1927 recently considered by the Select Committee; and

(5) Sanction of estimates for public works and supervision of their construction may be specially mentioned among the matters for which the Board can make by-laws—vide clause (11) of the Bill.

The Board would be glad if the Government throw their weight on behalf of the Bill and get it passed with the least practicable delay.

Enclosure

Memorandum showing the nature of the past management of the Tirumalai-Tirupati Devasthanam, and containing the Board's views on the non-official Bill given notice of by Mr. A. Ranganatha Mudaliyar, M.L.C., and others.

The Tirumalai-Tirupati Devasthanam consists of the main temple on the hill and of a number of subordinate temples both on the hill

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and in Tirupati and Tiruchanur which are under the same management. This temple is the most important one in the whole Presidency and is held in great veneration by the Hindu community in all parts of India. The Devasthanam was under the direct management of the officers of Government prior to the year 1843, when in consequence of instructions from the Court of Directors, the Government of Madras resolved to withdraw from the direct management of the institution. Acting on the recommendation of the then Collector of North Arcot, the Government issued a sanad, dated 10th July 1843, placing it under the charge of Seva Doss, the then head of the Hathiramjee Math in Tirupati as being the most likely person to fulfil the duties of vicharanakartha with good faith and to the satisfaction of the general body of worshippers. The sanad also vests the succession to the office of vicharanakartha in the successors of the said Seva Doss in the headship of the Hathiramjee Math. He then executed an agreement binding himself, among other things, to discharge the duties entrusted to him with fidelity and in conformity with the established practices and customs of the Devasthanam. This arrangement as regards its mangement continues up to this day subject to a scheme framed by the Privy Council as a result of the litigation initiated by worshippers who were thoroughly dissatisfied with the administration under the hands of Seva Doss and his successors as vicharanakartha of the Devasthanam.

2. The Judges who dealt with the suit and appeals were quite convinced that there had been gross mismanagement and misappropriation on the part of Seva Doss and other Mahants of the Hathiramjee Math, who followed him and were in charge of the Tirupati Devasthanam as vicharanakartha thereof. In the judgment in O.S. No. 31 of 1898, the District Judge of Chittoor (Mr. K. C. Manavedan Rajah) summarizes the allegations as regards this matter as follows:—" It will thus be seen that from 1843 down to the present time (November 1901) successive Mahants have been mismanaging and misappropriating temple funds which there are no adequate and proper means to recover. The existing system is thus proved to be inadequate. A change is therefore necessary. Thus the first Mahant appears from the accounts to have misappropriated Rs. 92,000 and odd. The second Mahant was found to have defrauded the temple to the extent of Rs. 2,28,000 and odd. The third Mahant was convicted of misappropriating Rs. 2,27,000 and odd. The fourth Mahant was sued for the recovery of Rs. 1,30,000. The defendant is charged with misappropriation of Rs. 6,27,000. A separate suit has been brought for his removal. The expenditure on account of litigation has been extravagant. Under this head the second Mahant spent Rs. 52,000, the third Mahant Rs. 93,000, the fourth Mahant Rs. 14,000 and the defendant Rs. 30,000 up to the date of suit. The defendant has stopped a number of utsavams altogether and has reduced the scale of other utsavams." The District Judge finding that the above allegations were substantially proved, framed a strong scheme providing among other things for a committee of control. In the appeal against the District Judge's scheme filed in the High

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Court, the Hon'ble Judges of the High Court agreed that a scheme was necessary, but provided for the appointment of an additional trustee instead of a committee. In the course of their judgment they observed as follows:—

" Now when in 1843 the management was transferred, it was, no doubt, expected that the management by the Mahant would prove satisfactory; but the history of what took place subsequent to Seva Doss' death is, to put it shortly, a record of waste and embezzlement. It may here be pointed out that the Mahant as well as the Bairagis who form the fraternity of the Hathiramjee Math are not natives of this Presidency but come from the northern parts of India. The Mahants, so far as it appears on the evidence in the case, have not been men of any education, and are celibates supposed to have little or no concern with worldly affairs. . . . It is not surprising that they have proved altogether inefficient as managers, as also, in most instances, dishonest. Another point to be remembered is that they possess no private property from which the temple can be recouped in respect of the embezzlements committed by them. Properties to which a Mahant succeeds as the head of a Math are not at his disposal except for the purpose of that institution, and even the incomes received by a Mahant during his incumbency are subject to a first charge in respect of disbursements appropriate to the Math. The result has been that notwithstanding that decrees have been obtained for large sums of money against the Mahants concerned, the temple has not been able to recover any portion of the amounts decreed, save in one instance when the decree debt was paid up, but was immediately followed by another act of embezzlement of temple funds. It is thus clear that the arrangement made in 1843 for the administration of the institution has not answered the expectations then entertained, that the Mahants have shown themselves to be utterly incompetent to discharge the duties of the office properly and that the surplus income has been misappropriated by them partly for their own personal use and partly for the aggrandisement of the Math."

3. The Hon'ble Judges then held that " the Mahant is not a trustee deriving his power of management under the constitution originally laid down centuries ago. As already pointed out, the institution was completely under the control of the public authorities up to 1843 and when the management was transferred to the Mahant in that year, it was an agreement made by the Board of Revenue in whom the control of such institution was then vested under Regulation VII of 1817. In other words, the arrangement was analogous to a scheme settled by a lawful authority and therefore quite liable to be varied by that or other authority legally competent so to alter or modify it." The High Court accordingly framed a scheme to ensure proper management and to put an end to the mal-administration that had been rampant in the Devasthanam since 1843. When the High Court's judgment was appealed against, the worshippers did not arrange to have their views placed before their Lordships of the Privy Council. So in their judgment in A.S. No. 6 of 1906 their Lordships modified the scheme framed by the High Court in

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an ex parte decision in the manner which they "thought will meet the exigencies of the case without impairing the authority of the Mahant." The Privy Council was then under the mistaken impression that the Mahant as vicharanakartha had certain purely religious duties in the Devasthanam and that it would wound the religious susceptibilities of the public if a committee of control were introduced to supervise the administration. Mainly to arrange for proper custody of monies and valuables, to prevent embezzlement and to provide for the investment of surplus funds, the Privy Council settled this scheme and empowered the District Court to frame rules therefor, and no attempt was then made to ensure proper management in all branches of the secular affairs of the Devasthanam.

4. The present state of affairs is quite different as compared with the conditions prevailing in 1843 when the Devasthanam management was handed over to the Mahant of the Hathiramjee Math or with the conditions prevailing at the time the Privy Council settled the scheme now in force. The policy of non-intervention by the State has undergone a change, especially after the last reforms. Public opinion has asserted itself in favour of Legislative measures for the protection and better management of religious endowments as is evidenced by the passing of Madras Hindu Religious Endowments Act I of 1925 and the re-enacting measure, namely Act II of 1927. It may here be observed that Mr. E. F. Elliot in his judgment in O.S. No. 14 of 1867, given as long ago as 1869, expressed his opinion that the system of management that had been prevailing since 1843 was itself wrong and added: "this I consider must continue to be the case until a radical reform is effected by some other Act of Legislature either by reverting to the system of Government management, which while it lasted proved apparently most successful and efficient as well as economical or of putting the management of these pagodas on some better footing than under the control and superintendence of ascetics, who are essentially men not versed in business or the ways of the world—for it cannot be expected that one ascetic can be a better secular manager than another or that better results are to be derived by the dismissal of the present incumbent." The need then felt for an Act of Legislature to place the management of the temple on a satisfactory footing and to have a competent hand to control its affairs is more imperative now than ever before.

If, even in the days of Mr. Elliot, the qualifications and training necessary for the task were lacking in the Mahant it is more so at present for the reason that the resources of the institution have increased very much since, with a corresponding accentuation in the volume and complexity of its administration. From the papers submitted to the House of Commons in 1849 in regard to the management of Hindu temples in the Presidency, it is observed that the income then derived by the Tirupati Devasthanam amounted to an average of Rs. 1,09,873 per annum, while the average disbursements came to no more than Rs. 32,528. Now the annual income is considerably more than 10 lakhs and out of the surplus derived since the time of the

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transfer of management to the Mahants, large landed estates have been purchased, and costly public works undertaken including the electric installation for the lighting of the way up the hill and also the temples. It may be noted in this connexion that in the budget of the Devasthanam for fasli 1341, there is a provision of Rs. 5,04,220 under the head 'public works', Rs. 4,07,400 for new works and Rs. 96,820 for repairs. The need for a qualified and trained administrator at the helm of affairs is now a very urgent necessity.

5. As already observed in paragraph 3 above, the scheme framed by the Privy Council was not conceived so as to be adequate to ensure proper management in all branches of the Devasthanam administration. In practical working even what was aimed at has not been fully achieved. Embezzlement and fraud in some form or other appear to have gone on even after the scheme came into force as will be seen from the following remarks of Judicial officers in certain cases:—

(i) *The District Judge's remarks made while dismissing the Criminal Revision Petition in the well-known Civet case*—"No doubt there is a grave suspicion of a gigantic fraud, but this is not enough for a Criminal prosecution."

(ii) *The remarks of the Magistrate who dealt with the Neerazhi Mantapam case*—"It will be observed in the first place that these frauds and falsities could not have occurred if there had been proper check of the bills and vouchers in the accounts branch of the Devasthanam office. There appears to have been mere arithmetical checks, but not a check of the accounts with the quality and quantity of the work after actual inspection of the latter."

(iii) *The District Judge's remarks in the above case.*—"The District Judge has perused the auditor's report of the Neerazhi Mantapam work at Tirumalai and the reply of the Vicharanakartha. Making every allowance for the difficulties of the work in Tirumalai and the heavy expenses of carrying materials, there remains a grave suspicion that more money has been paid out than was legitimately spent on the work. . . . there are irregularities in measurements and estimates commented upon by the auditor which have not been explained. Muster rolls and purchase of materials give opening for frauds. The District Judge cannot see the utility of prosecuting any one for frauds in connexion with the work. There may have been and probably have been frauds and embezzlements somewhere amongst those who handled monies; but it is impossible now, as far as one can see, to bring home the offence to any one."

6. The Treasurer appointed by the District Court under the scheme can only look to routine requirements like existence of proper vouchers and the sanction of the Vicharanakartha for payments and he cannot go into the merits of the budget for which the expenditure is incurred. Under the rules framed by the District Court, in exercise of the powers conferred on it by the scheme, the budget of the Devasthanam is merely filed for the information of the Court, which cannot interfere with the allotments made therein. The allocation of budget heads and the

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Mahant's powers to transfer allotments are not at present properly regulated or controlled. There is no expert scrutiny of the estimates for the public works or adequate supervision of their construction, as the Devasthanam does not employ a highly qualified engineer; nor is it usual for the Devasthanam authorities to take the advice of the Government Public Works Department. Large quantities of articles required for worship and services in the temples have to be purchased for over a lakh of rupees every year, and the Vicharanakartha's discretion in accepting tenders for the supply of the same is not controlled in any manner. There are no adequate arrangements for ensuring good quality, especially in the case of the articles of consumption as very loud complaints are made by the worshippers in this regard. The Board is satisfied that there is some truth in these complaints.

Further, apart from the supervision in the matters referred to above, there is a big central office to maintain accounts and carry on correspondence. Its work has also to be properly controlled and supervised. At present there are no regulations to ensure security and contentment for the subordinates employed either in the central office or in the subordinate offices attached to estates. It has been brought to the notice of the Board that fluctuations in the salary of the same individuals, creation of new posts and abolition of old ones take place without satisfactory reasons. Though the Board has not found it practicable to investigate into such complaints, it has no doubt that no settled principles are followed in regard to such matters. It is necessary in the case of an institution like this, that there should be service regulations and provision for appeals against orders of punishment at least of the higher grade of officers and subordinates.

7. The Madras Hindu Religious Endowments Board can exercise its powers under Madras Act II of 1927, only subject to schemes framed by Courts and hence it is practically helpless in the matter of effecting real improvements in the administration of the Tirupati Devasthanam. It is not even able to obtain information from the Mahant in response to its calls. The Board has not succeeded in getting from him even copies of budgets and audit reports for its information. In a letter addressed to the District Judge in September 1925, the Mahant expressed the view that having regard to the Privy Council scheme the Hindu Religious Endowments Board had no jurisdiction whatsoever over this temple and it had no right to call for budget, etc. He also questioned the right of the District Court to call upon him to furnish the Board with copies of such papers.

Notwithstanding the limitations imposed by the scheme, the Board ever since its constitution tried to study the affairs of this Devasthanam with a view to suggest to the Vicharanakartha such improvements as it deemed necessary, and several inspections were made by the Commissioner in charge of the Chittoor district, the present and previous Presidents of the Board and its Secretary. Generally speaking, the Vicharanakartha has not carried out the suggestions made as a result of the said inspections and the Board came to the conclusion that unless

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the scheme settled by the Privy Council was modified with a view to vest in it definite powers of control, it could not make its influence felt. As a suit for modification of the scheme and subsequent legal proceedings in appeals would involve a lot of expenditure, the Board decided to postpone such a course but wanted to move the District Court for an amendment of the rules in order to effect some improvement at least in matters coming under the scope of the rule-making power given to the District Court under the scheme. This application for amendment of the rules has been pending in the District Court since the beginning of September 1930. The Board has also been considering the question of the enactment of a special law to govern the administration of this Devasthanam, so that litigation connected with the modification of the scheme, which would of course be costly and prolonged, might be avoided. The Board, therefore, welcomes the introduction of the Bill which has been given notice of by certain non-official members belonging to different parties in the Madras Legislative Council.

8. All the defects noticed above are sought to be remedied by the provisions of this Bill. In the first place the Bill provides for the management of the secular affairs of the devasthanam being entrusted to a whole-time paid officer. This will be a most salutary reform, as the Government who are empowered to make the appointment, would choose a qualified and capable person possessing much experience and a high character. The Board is emphatically of opinion that for all important and rich temples and maths there should be a paid officer to supervise the collection of incomes, to look to the details of management, to ensure the proper custody of cash and valuables, to control the work of the subordinate staff and generally to look after the day-to-day administration and that such an officer should be appointed not by the trustee but by an outside authority. A judicial officer of vast experience, Mr. Wigram has expressed a similar view after observing the woeful mismanagement of trust funds in South Malabar, where he was District Judge. His remarks are as follows:—

"The remedy I would propose is that the law should compel the Uralars (trustees) to appoint a duly qualified Manager of the whole Trust Funds, who would be personally responsible for the expenditure. The office of Uralan would then be merely honorary and would not be so eagerly coveted. I do not believe that there is another country in the world where people are so tenacious of their rights as trustees, and the only inference to be drawn from this fact seems to me to be that something more than position attaches to the office."

Though the Board considers that as a rule the chief paid officer of a religious institution should work under the orders of the trustee as suggested by Mr. Wigram, it has no doubt that in the case of Tirupati the Commissioner proposed in the present Bill, who will be appointed by the Government and who will be an officer of high status, must independently manage the secular affairs of the devasthanam subject to the supervision and control of the Hindu Religious Endowments Board, and the rules and by-laws to be framed under the Act. It has

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to be remembered that in the case of Tirupati, the Vicharanakartha will be a Bairagi from Northern India and an ascetic with no administrative experience or educational qualifications as observed by the Hon'ble the Judges of the High Court in their remarks quoted in paragraph 2 above.

9. Under the provisions of the Bill the Hindu Religious Endowments Board has to sanction the budget which will be prepared by the Commissioner in consultation with the Vicharanakartha and submitted with the remarks of the Advisory Committee. The Board will also have the power to frame by-laws for regulating the employment of establishments, introduction of a provident fund for their benefit, collection and custody of offerings, the investment of funds, the purchase and supply of provisions, the maintenance and audit of accounts and such other matters of importance. All these are salutary provisions which will go a long way to improve the administration of the devasthanam.

10. There is a widespread feeling among the public, as evidenced by complaints received by the Board, that a considerable portion of the offerings of worshippers is diverted by the misleading devices of the Mahant's disciples in the Math. It is suspected that unwary pilgrims are persuaded to make their offerings at the adjoining Hathiramjee Math instead of at the shrine itself. There are circumstances which give strength to the above suspicion. Disciples of the Math are stationed at entrances which have to be entirely controlled by the temple officials. When two institutions are situated near each other and the head of one happens to be the head of the other also, the situation would naturally be difficult to manage if the subordinates are not kept under proper control. It is a fact that the Hathiramjee Math which in former days derived a poor income, has improved its resources a good deal and the public are tempted to infer that it has done so at the cost of the temple. Whether or not this inference is correct, it is desirable to put an end to the present anomalous situation by changing the existing system of management of the temple endowments as provided for in the Bill now in question.

11. One important method of utilizing the surplus funds of this devasthanam is to foster educational activities. The non-official Bill now to be introduced provides for the utilization of its surplus funds for a University among other objects. The Bill also specifically provides for the establishment of hospitals, opening up of communications and the provision of adequate sanitary arrangements for the convenience of pilgrims. These are wholesome provisions which the Board would heartily support.

12. While under the proposed Bill the defects referred to in the previous paragraphs as regards the administration of the secular affairs will be remedied, especially by the appointment of a Commissioner and by the vesting of definite powers of control in the Hindu Religious Endowments Board, the Vicharanakartha will be responsible for the worship and other religious ceremonials to be carried on in the temple and his authority will not be impaired so far as their conduct is concerned. Even in regard to secular

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affairs he will have some voice as the budget will be prepared in consultation with him and as a member of the Advisory Committee, he will be able to have his views considered by it.

13. Pilgrims from all parts of the country flock to this devasthanam and its main source of income has always been offerings made by the public and at present they have no satisfactory means of getting their grievances considered by the authorities of the devasthanam. The Advisory Committee provided for in the Bill will supply this want and the public can, through their representatives, returned by the Madras Legislative Council, suggest improvements in the various branches of the temple administration. This will go a great way to allay the prevailing discontent among the worshippers.

APPENDIX X.

[Vide answer to question No. 282 asked by Mr. Sami Venkatachalam Chetti at the meeting of the Legislative Council held on the 30th October 1931, page 67 supra.]

Statement of collections up to 30th June 1931.

(1)

District.	First quarter. RS.	A.	P.
Ganjam	10,660	8	0
Vizagapatam	26,520	0	0
East Godavari	18,260	0	0
West Godavari	7,727	8	0
Kistna	11,987	8	0
Guntur	15,600	0	0
Nellore	11,862	8	0
Cuddapah	6,152	8	0
Anantapur	8,810	0	0
Bellary	19,610	0	0
Kurnool	7,602	8	0
Chingleput	16,792	8	0
Chittoor	10,922	8	0
North Arcot	19,427	8	0
South Arcot	10,627	8	0